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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,663	03/29/2005	Andrei Mijiritskii	NL 020924	1338

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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MULVANEY, ELIZABETH EVANS

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/529,663

**Applicant(s)**

MIJIRITSKII ET AL.

**Examiner**

Elizabeth E. Mulvaney

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/05, 1/19/06</u> | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims include the language "heat sink layers" where there is only one heat sink layer. Correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,171,618.

The reference discloses a phase change recording medium comprising a substrate, a first dielectric layer, a InSbTe recording layer, a second dielectric layer, a metal layer and a protective layer. See col. 6-7 for layer thicknesses and materials. It is recognized that the recording wavelength

claimed is not disclosed. However, as this is a method limitation, it has not been giving patentable weight in the article claim.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,232,035.

The reference discloses a phase change recording medium comprising a substrate, a first dielectric layer, a InSbTe recording layer, a second dielectric layer, a metal layer and a protective layer. The medium may be a dual-layer medium. See Abstract and Figure 15 and explanation thereof to find layer thicknesses and materials used. It is recognized that the recording wavelength claimed is not disclosed. However, as this is a method limitation, it has not been giving patentable weight in the article claim.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2001/0016242.

The reference discloses a phase change recording medium comprising a substrate, a first dielectric layer, a InSbTe recording layer, a second dielectric layer, a metal layer and a protective layer. The medium may be double-sided. See Figure 1, and paragraphs [0065-83], [0114], [0132], and [0151] for layer thicknesses and materials. It is recognized that the recording wavelength claimed is not disclosed. However, as this is a method limitation, it has not been giving patentable weight in the article claim.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 2002/0106476.

The reference discloses a phase change recording medium comprising a substrate, a first dielectric layer, a InSbTe recording layer, a second dielectric layer, a metal layer and a protective layer. The medium may be double-sided. The recording wavelength is from 200-900nm. See paragraphs [0034], [0035], [0040], [0047], [0048], [0051], and [0052] for layer thicknesses and materials.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,171,618 in view of either US 2002/0106476 or US 5,822,287 or US 6,700,862.

The '618 reference is described in an above rejection. It is recognized that the reference is silent to the recording wavelength. However, all three references disclosed ('476, '287 and '862) show that it is known to use a recording wavelength in the UV range to record with phase-change materials. Therefore, it would have been obvious to one of ordinary skill in the art to use the UV range to record on the '618 medium with predictable results.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,232,035 or 2001/0016242 in view of either US 2002/0106476 or US 5,822,287 or US 6,700,862.

The '035 reference is described in an above rejection. It is recognized that the reference is silent to the recording wavelength. However, all three references disclosed ('476, '287 and '862) show that it is known to use a recording wavelength in the UV range to record with phase-change materials. Therefore, it would have been obvious to one of ordinary skill in the art to use the UV range to record on the '035 medium with predictable results.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0106476 or US 6,232,035 in view of US 6,337,118.

Both the '476 and '035 reference are described above. It is recognized that neither reference discloses polydimethylsiloxane as the spacer material. However, the '118 reference shows that it is known to use polydimethylsiloxane as an adhesive (spacer layer) in double-sided recording media. See col. 4 lines 43-44. Therefore, one would expect to be able to use polydimethylsiloxane in either the '476 or '035 reference as the adhesive with predictable results.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,232,035 or US 2002/0106476 in view of US 2002/0054974.

Both the '476 and '035 reference are described above. It is recognized that neither reference discloses polydimethylsiloxane as the spacer material. However, the '974 reference shows that it is known to use polydimethylsiloxane as an outer layer (protective or hard coat) in a recording media. See [0076]. Therefore, one would expect to be able to use polydimethylsiloxane in either the '476 or '035 reference as the outer layer with predictable results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references 5,822,287 and 6,700,862 disclose recording with a wavelength in the UV range.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached at (571) 272-1398. The fax number for the organization where the application is assigned is (571) 273-8307. Information regarding the status of an application may be obtained from the Patent Application Information retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

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information about the PAIR System, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



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